

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JORGE AGUILAR SANTOYO,
Petitioner,
v.
SUTTER COUNTY,
Respondent.

No. 2:23-cv-02480-EFB (HC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner proceeds without counsel in an action brought under 28 U.S.C. § 2254. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On April 24, 2024, the court dismissed the petition with leave to amend within 30 days. ECF No. 5. The time for acting has now passed and petitioner has not filed an amended complaint or otherwise responded to the court's order. Thus, it appears that petitioner is unable or unwilling to cure the defects in the petition.

Accordingly, it is ORDERED that the Clerk of Court randomly assign a district judge to this action.

Further, it is RECOMMENDED that this action be DISMISSED without prejudice for the reasons stated in the April 24, 2024 order.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

1 after being served with these findings and recommendations, any party may file written
2 objections with the court and serve a copy on all parties. Such a document should be captioned
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
4 objections shall be served and filed within fourteen days after service of the objections. The
5 parties are advised that failure to file objections within the specified time may waive the right to
6 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
7 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

8
9 Dated: June 14, 2024


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE